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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,510	12/05/2005	Levi Deaton	DEATONFRESHUS	3851
35000 7590 01/16/2009 SABRE TECHNICAL SERVICES CORP. 4917 N. DAMEN AVE. CHICAGO, IL 60625				
EXAMINER MAUST, TIMOTHY LEWIS				
ART UNIT		PAPER NUMBER		
3751				
MAIL DATE		DELIVERY MODE		
01/16/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,510

Applicant(s)

DEATON, LEVI

Examiner

Timothy L. Maust

Art Unit

3751

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-36 and 38 is/are allowed.
- 6) ☒ Claim(s) 19-27, 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19- 27 and 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorrells in view of Buraky.

Regarding claims 19 and 25, the Sorrells reference discloses a cleaning product comprising: a waste receptacle (12) for holding a discarded fluid separated from the applicator; a fluid reservoir (15) for holding a clean fluid (35); an applicator bath (19) for holding a rinse fluid for transferring to the applicator by rinsing, the bath having a fill mode and an empty mode; the bath in use in the fill mode holding the rinse fluid for rinsing the applicator; the bath in use in the empty mode discarding the rinse fluid to the waste receptacle; the bath being switchable between the fill mode and the empty mode as needed to control contamination of the rinse fluid; a fluid dispenser (26) for dispensing the clean fluid from the reservoir to the bath; the dispenser being fluid-wise connected to the reservoir; the dispenser in use dispensing the clean fluid from the reservoir to the bath as needed to maintain the rinse fluid in the bath within a predetermined volumetric range (see col. 2, lines 25-47); and the product in use being

configured so that the fluid separated from the applicator can be discarded directly to the waste receptacle without passing through the applicator bath.

Sorrells doesn't disclose the fluid being discarded directly to the waste receptacle without passing the fluid through the applicator bath and without disconnecting the reservoir from the dispenser. However, the Buraky reference discloses a cleaning product having a basin (8) that is pivoted to discard waste fluid to a waste receptacle without being disconnected from the reservoir.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sorrells device to have a bath that pivots to discard fluid directly to the waste receptacle, since the Buraky reference teaches a known alternate way of dispensing fluid from a basin to a waste receptacle.

In regard to claim 20, inasmuch structure that is defined by a "barrier", the valve of dispenser (26) meets the claim limitation.

In regard to claims 21, 22, 26 and 27, rotatable handle 25 meets the claim limitation of an "actuator", since the handle can be operated by hand and capable of being operated by foot.

In regard to claims 23 and 24, see the positioning of the receptacle, reservoir and bath in the Figures.

In regard to claim 37, the Sorrells reference, as modified by Buraky, discloses the invention substantially as claimed (discussed supra), but doesn't disclose having a

closed-top reservoir. It would have been an obvious matter of design choice to employ a closed top to the Sorrells reservoir, since applicant has not disclosed that a closed top solves any stated problem and it appears that the invention would perform equally with or without a closed top.

Allowable Subject Matter

Claims 28-36 and 38 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 7:00-5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/
Primary Examiner
Art Unit 3751

1/15/09